

Application No.: 09/618,876

Case No.: 55763US002

REMARKS

Claims 2-28, 30-35, 41, and 44-89 are pending. Claims 1, 29, 36-40, and 42-43 have been canceled. Claims 9, 12-15, 73, 74, 81, and 89 are amended.

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Objections To The Claims

Claims 9, 81, and 89 are objected to because of the following informalities:

Claim 9 is objected to because line 2 defines "comprise comprises".

Claims 81 and 89 are objected to because line 2 of each claim defines "mild steel tool steel" and a comma should be present between each type of steel.

Claims 9, 81, and 89 have been amended to overcome these objections. Support for these non-narrowing amendments is inherent.

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§ 112 Rejections

Claims 12-15 and 73-74 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 12 is alleged to be indefinite because it is said it defines that the complex further comprises the claimed cations, however, claim 41, defines 2 different complexes (first and second complex) and the examiner is unclear as to which complex claim 12 is referring to.

Claim 12 has been amended to overcome this rejection. Support for this non-narrowing amendment can be found in the specification, for example, on page 9, lines 27-31, bridging paragraph, page 10, lines 1-7.

Claims 13-15 are alleged to be indefinite as to the limitations "said fused (crystalline) abrasive particles comprising at least 20 percent by volume...respective particle...eutectic material" (lines 4-5) and "said fused crystalline abrasive particles comprise at least 50 percent by volume...respective particle...eutectic material" (lines 11-13) because it is said these 2 limitations define 2 different contents for the eutectic material, thus rendering the scope of the claims unclear because the examiner is unclear as to what content applicant is claiming. A claim that defines 2 independent and distinct contents is said to be indefinite as to the specific content sought by applicant. It is suggested that the content (50 percent by volume) defined in lines 11-13 of the above claims be canceled.

Claims 13-15 have been amended to overcome this rejection by deleting the "at least 20 percent by volume" limitation. Support for these amendments is inherent.

Claims 13-15 are also alleged to be indefinite because it is said they define that a portion of said complex further comprises the claimed cations, however, the claims, above this limitation, defines 2 different complexes (first and second complex) and the examiner is unclear as to which complex the last 2 lines of the claims is referring to.

Claims 13-15 have been amended to overcome this rejection. Support for this non-narrowing amendment can be found in the specification, for example, on page 9, lines 27-31, bridging paragraph, page 10, lines 1-7.

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Claim 73 is alleged to be indefinite because it is said it defines that the eutectic is a 3 component system but claim 72 only requires a 2 component system (no crystalline aluminum oxide). Is this crystalline aluminum oxide a further component in the eutectic? If so, the claim should define this.

Claim 73 has been amended as suggested by the Examiner.

Claim 74 is alleged to be indefinite because it is said it defines that the eutectic is a 3 component system but claim 72 only requires a 2 component system (no different crystalline complex). It is asked if this different crystalline complex is a further component in the eutectic. If so, it is said the claim should define this.

Claim 74 has been amended as suggested by the Examiner.

In summary, Applicant submits that the rejection of claims 12-15, 73, and 74 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

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Allowable Claims

Claims 2-8, 10, 11, 16-28, 30-35, 41, 44-72, 75-80, 82-88 are said to be allowable over the prior art of record.

Claims 12-15 and 73-74 are said to be allowable if amended to overcome the indefinite rejections above. The rejections have been addressed above.

Claims 9, 81, and 89 are said to be allowable if amended to overcome the objections defined above. The objections have been addressed above.

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With this response, an earnest effort has been made to respond to all issues raised in the Notice of Non-Compliant Amendment. In view of the above, it is submitted that the application is in condition for allowance and reconsideration of the application is requested.

Respectfully submitted,

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Date

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